

**EXHIBIT M**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

|  |   |  |
|--|---|--|
| <hr/> AGERE SYSTEMS, INC., CYTEC INDUSTRIES INC., FORD MOTOR COMPANY, SPS TECHNOLOGIES, LLC and TI GROUP AUTOMOTIVE SYSTEMS, LLC | : |  |
|  |   | Civil Action No. 02-CV-3830 (LDD)  |
| Plaintiffs,<br><br>v.<br><br>ADVANCED ENVIRONMENTAL TECHNOLOGY CORPORATION, et al.,  | : | <b>PLAINTIFFS' RESPONSES TO DEFENDANT HANDY &amp; HARMAN TUBE COMPANY, INC.'S CONTENTION INTERROGATORIES</b> |
| <hr/> <u>Defendants.</u>   | : |  |

Plaintiffs Agere Systems, Inc., Cytec Industries Inc., Ford Motor Company, SPS Technologies, LLC and TI Group Automotive Systems, LLC ("Plaintiffs"), by their undersigned attorneys, object and respond to the contention interrogatories of Handy & Harman Tube Company, Inc. ("Defendant") as follows:

**GENERAL STATEMENTS AND OBJECTIONS**

Plaintiffs hereby incorporate by reference, as if fully set forth herein, the General Statements and Objections contained in Plaintiffs' Responses to the joint contention interrogatories of Advanced Environmental Technology Corporation ("AETC"), Ashland, Inc., Carpenter Technology Corporation, fcg, inc., Handy & Harman Tube Company, Inc. and NRM Investment Company (collectively, "Defendants").

**INTERROGATORIES AND RESPONSES**

Subject to and without waiving the foregoing General Objections, Plaintiffs make the following responses to the contention interrogatories of Defendant:

1. Do Plaintiffs contend that the "industrial waste solution" discussed by Dr. Kirk Brown during his deposition (*see e.g.* pp. 100-101; 107-108) and referred to in the DeRewal Chemical Company invoice dated February 1973 is a hazardous substance as that term is defined in CERCLA §101(14), 42 U.S.C. §9601(14)?

A. If so, what is the factual basis for Plaintiffs' contention that the "industrial waste solution", discussed by Dr. Kirk Brown during his deposition (*see e.g.* pp. 100-101; 107-108) and referred to in the DeRewal Chemical Company invoice dated February 1973 is a hazardous substance as that term is defined in CERCLA §101(14), 42 U.S.C. §9601(14)?

**ANSWER:** Plaintiffs object to this Interrogatory to the extent that it seeks information outside the scope of the contentions that Plaintiffs will make as part of their prima facie case at trial. Plaintiffs further object to this Interrogatory because it is vague, confusing and ambiguous. Plaintiffs further object to Defendant's statement that the "industrial waste solution" referenced in the DCC invoice dated February 1973 is identical to the substance(s) discussed by Dr. Brown in the cited pages of his deposition. Plaintiffs further object to this Interrogatory to the extent that it seeks the discovery of the mental impressions, conclusions, strategies, opinions, research or legal theories of their attorneys or other representatives or information protected by the attorney-client privilege or any other applicable privilege. By way of further objection, Defendant's definition of "factual basis" is overbroad and unduly burdensome.

Without waiving any such objections, see Plaintiffs' response to Interrogatory No. 78 of the Defendants' Joint Contention Interrogatories to Plaintiffs.

2. Do Plaintiffs contend that the "industrial waste solution" discussed by Dr. Kirk Brown during his deposition (*see e.g.* pp. 100-101; 107-108) and referred to in the DeRewal Chemical Company invoice dated February 1973 is a hazardous substance as that term is defined in the Pennsylvania Hazardous Sites Cleanup Act, §6020.103?

A. If so, what is the factual basis for Plaintiffs' contention that the "industrial waste solution" discussed by Dr. Kirk Brown during his deposition (*see e.g.* pp. 100-101; 107-108) and referred to in the DeRewal Chemical Company invoice dated February 1973 is a hazardous substance as that term is defined in the Pennsylvania Hazardous Sites Cleanup Act, §6020.103?

**ANSWER:** See Plaintiffs' Response to Interrogatory No. 1.

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

|                                 |   |                                   |
|---------------------------------|---|-----------------------------------|
| AGERE SYSTEMS, INC., CYTEC      | : |                                   |
| INDUSTRIES INC., FORD MOTOR     | : |                                   |
| COMPANY, SPS TECHNOLOGIES, LLC  | : |                                   |
| and TI GROUP AUTOMOTIVE         | : |                                   |
| SYSTEMS, LLC                    | : |                                   |
| Plaintiffs,                     |   | Civil Action No. 02-CV-3830 (LDD) |
| v.                              |   |                                   |
| ADVANCED ENVIRONMENTAL          | : |                                   |
| TECHNOLOGY CORPORATION, et al., | : |                                   |
| Defendants.                     |   |                                   |

**CERTIFICATE OF SERVICE**

I certify that on this day I served a copy of Plaintiffs' Responses To Contention  
Interrogatories of Handy & Harman Tube Company, Inc. by electronic mail and first-class  
postage prepaid United States mail, on the counsel listed on the service list.

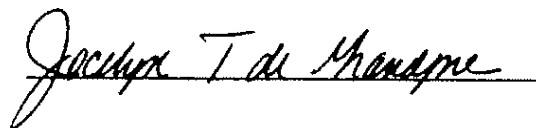
Dated: 4/17/07

Amy Trojekci  
Amy M. Trojekci

**VERIFICATION**

Jocelyn T. de Grandpre, being duly sworn, deposes and says that she is an authorized agent of Agere Systems, Inc., and that she verifies the foregoing responses and objections to Interrogatories to the Plaintiffs from Handy & Harman Tube Company, for and on behalf of Agere Systems, Inc.; that the matters stated therein are not within the personal knowledge of deponent; that the facts stated therein have been assembled by authorized employees and counsel of Agere Systems, Inc.; and deponent is informed that the facts stated therein are true.

Dated: April 13, 2007

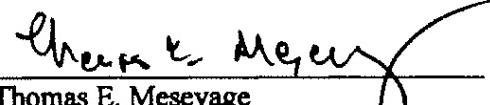
A handwritten signature in black ink, appearing to read "Jocelyn T de Grandpre". The signature is written in a cursive style with a horizontal line underneath it.

**VERIFICATION**

Thomas E. Mesevage, being duly sworn, deposes and says that he is an authorized agent of Cytec Industries Inc. and that he verifies the foregoing responses and objections to Interrogatories to the Plaintiffs from Handy & Harman Tube Company, Inc., for and on behalf of Cytec Industries Inc.; that the matters stated therein are not within the personal knowledge of deponent; that the facts stated therein have been assembled by authorized employees and counsel of Cytec Industries Inc. and deponent is informed that the facts stated therein are true.

Dated: April 16, 2007

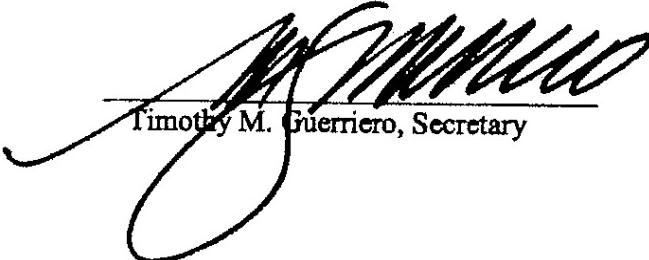
Signature:

  
Thomas E. Mesevage  
Safety, Health and Environmental Counsel  
Cytec Industries Inc.  
5 Garret Mountain Plaza  
West Paterson, NJ 07424

VERIFICATION

Timothy M. Guerriero, being duly sworn, deposes and says that he is an authorized agent of TI Group Automotive Systems, L.L.C. and that he verifies the foregoing responses and objections to Interrogatories to the Plaintiffs from Handy & Harman Tube Company, Inc., for and on behalf of TI Group Automotive Systems, L.L.C.; that the matters stated therein are not within the personal knowledge of deponent; that the facts stated therein have been assembled by authorized employees and counsel of TI Group Automotive Systems, L.L.C.; and deponent is informed that the facts stated therein are true.

Dated: April 12, 2007

  
\_\_\_\_\_  
Timothy M. Guerriero, Secretary

VERIFICATION

Tom Cross, being duly sworn, deposes and says that he is an authorized agent of SPS Technologies, LLC and that he verifies the foregoing responses and objections to the Interrogatories to the Plaintiffs from Handy & Harman Tube Company, Inc., for and on behalf of SPS Technologies, LLC; that the matters stated therein are not within the personal knowledge of deponent; that the facts stated therein have been assembled by authorized employees and counsel of SPS Technologies, LLC and deponent is informed that the facts stated therein are true.

Dated: 12 April 2007

Thomas S. Cross  
Vice President

**VERIFICATION**

Kathryn Lamping, being duly sworn, deposes and says that he is an authorized agent of Ford Motor Company, and that he verifies the foregoing responses and objections to Interrogatories to the Plaintiffs from Handy & Harman Tube Company, Inc., for and on behalf of Ford Motor Company; that the matters stated therein are not within the personal knowledge of deponent; that the facts stated therein have been assembled by authorized employees and counsel of Ford Motor Company and deponent is informed that the facts stated therein are true.

Dated:

  
Kathryn S. Lamping  
Assistant Secretary

**EXHIBIT N**

LAW OFFICES  
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May 7, 2007

Via E-Mail and U.S. Mail

Melissa Flax, Esquire  
Carella, Byrne, Bain, Gilfillian, Cecchi, Stewart  
& Olstein, P.C.  
5 Becker Farm Road  
Roseland, NJ 07068-1739

Re: Agere Systems, Inc., et al. v. Advanced Environmental Technology Corp.,  
et al.;  
Civil Action No. 02-CV-3830 (LDD)

Dear Melissa:

This letter is in response to your April 30, 2007 letter with respect to Plaintiff's responses to Handy & Harman's contention interrogatories to Plaintiffs. Plaintiffs refer Handy & Harman to their May 7, 2007 letter in response to Defendants' April 30, 2007 deficiency letter concerning the joint contention interrogatories, especially to the "Scope of Discovery" section. The following addresses your concerns with the Interrogatories as set out in April 30, 2007 letter:

Interrogatories 1 and 2

These interrogatories ask whether Plaintiffs contend that the "industrial waste solution" discussed by Dr. Brown during his deposition and referred to in the February 1973 DCC invoice is a hazardous substance under CERCLA and HSCA. Plaintiffs objected to these interrogatories to the extent that Handy & Harman attempted to use it expert's deposition testimony to characterize Plaintiffs' contentions. Plaintiffs may state their contentions in language of their choosing, not in language dictated by Handy & Harman.

Melissa Flax, Esquire

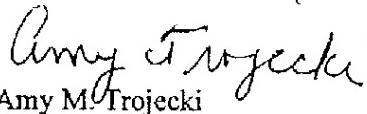
May 7, 2007

Page 2

Nonetheless, Plaintiffs responded to these interrogatories by referring Handy & Harman's to their response to Interrogatory No. 78 of the Defendants' joint contention interrogatories. This response provides that Plaintiffs will contend that 5,899 gallons of hazardous wastes from Handy & Harman were disposed of at the Site and the bases for this contention. The February 1973 DCC invoice, which references "industrial waste solution," is included among the list of the documents that Plaintiffs will rely upon to prove this contention. Therefore, it is clear and Handy & Harman has known for quite some time that Plaintiffs have included the amounts of "industrial waste solution" referenced in the February 1973 invoice among the total volume of Handy & Harman hazardous substances that Plaintiffs contend was disposed of at the Site. Plaintiffs' bases for this contention are included in its response to Interrogatory No. 78 of the Defendants' joint contention interrogatories.

Plaintiffs withdraw all references to deposition testimony of Messrs. Crawford and McElya in its response to the Defendants' joint contention interrogatories.

Very truly yours,

  
Amy M. Trojecki

cc: Counsel on Attached Service List  
AMT/cdg

## **EXHIBIT O**

## ORIGINAL TRANSCRIPT

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

AGERE SYSTEMS, INC., CYTEC  
INDUSTRIES, INC., FORD MOTOR  
COMPANY, SPS TECHNOLOGIES, LLC,  
and TI GROUP AUTOMOTIVE  
SYSTEMS, LLC  
**Plaintiffs**

v

CIVIL ACTION NO.  
02-CV-3830 (LDD)

ADVANCED ENVIRONMENTAL  
TECHNOLOGY CORPORATION, ET AL.  
**Defendants**

Oral deposition of JURGEN  
H. EXNER, Ph.D., taken at the law  
offices of Ballard Spahr Andrews &  
Ingersoll, LLP, 1735 Market Street,  
42nd Floor, Philadelphia,  
Pennsylvania, on Tuesday, January 9,  
2007, at 10:07 a.m., before Jennifer  
Bermudez, a Registered Professional  
Reporter, and Notary Public, pursuant  
to notice.



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DEPOSITION OF JURGEN H. EXNER, Ph.D., 1/9/07

1 APPEARANCES:

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**Attorney for Carpenter Technology**  
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23  
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DEPOSITION OF JURGEN H. EXNER, Ph.D., 1/9/07

1 APPEARANCES (CONT'D):

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DEPOSITION OF JURGEN H. EXNER, Ph.D., 1/9/07

1           Q.     With respect to the wastes  
2     generated by the Handy & Harman  
3     facility, did you form an opinion as  
4     to whether or not the wastes  
5     generated from the Handy & Harman  
6     facility was transported to and  
7     disposed of at the Boarhead Farms  
8     site?

9           A.     No.

10          Q.     In connection with your  
11     assignment for plaintiffs in this  
12     matter, were you asked to form an  
13     opinion as to the contribution of  
14     contamination at the Boarhead Farms  
15     site attributed to Handy & Harman?

16          A.     No.

17          Q.     Other than restating the  
18     facts as compiled from the various  
19     documents that you reviewed, what  
20     part of your training or experience  
21     assisted you in the preparation of  
22     the portion of Exner 1 relating to  
23     Handy & Harman?

24          A.     My general experience in



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DEPOSITION OF JURGEN H. EXNER, Ph.D., 1/9/07

1       quantities of the rinsates would be  
2       generally much larger than the  
3       quantities of the pickling liquors,  
4       all of which had to be disposed of.

5       BY MS. FLAX:

6           Q.     But in order to determine  
7       the volume of the pickling liquor or  
8       the rinsates, wouldn't you need to  
9       know the volume of manufacturing  
10      operations?

11       A.     Yes.

12       Q.     Do you have any information  
13      regarding the volume of Handy &  
14      Harman's operations?

15       A.     No.

16       Q.     In connection with the  
17      portion of Exner 1 relating to Handy  
18      & Harman, how has your professional  
19      experience in process development  
20      assisted you?

21       A.     I have actually operated  
22      chemical processes and have seen how  
23      operators deal with certain  
24      situations involving waste



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DEPOSITION OF JURGEN H. EXNER, Ph.D., 1/9/07

1 knowledge, no.

2 Q. Have you ever worked with  
3 Western Electric prior to this  
4 litigation?

5 A. No.

6 Q. Have you ever worked with  
7 Lucent prior to this litigation?

8 A. No.

9 Q. Have you ever worked with  
10 Ford Motor Company or any of its  
11 affiliates before this litigation?

12 A. No.

13 (Exner Exhibit 8 was marked  
14 for identification.)

15 BY MS. FLAX:

16 Q. Dr. Exner, I'm going to  
17 show you Exner 8, and I'm just going  
18 to ask you to read into the record  
19 your handwritten notes, because I  
20 don't want to guess what they say,  
21 regarding it looks like Brown - Handy  
22 & Harman.

23 Can you do that for me?

24 A. It says, "Brown - Handy &



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DEPOSITION OF JURGEN H. EXNER, Ph.D., 1/9/07

1 Harman states what other companies  
2 produced, 20 drums industrial waste,  
3 nonhazardous, chromium, nickel, TCE,  
4 manganese. Agreement - Carpenter.  
5 Merit - arsenic, leads, zinc, PCE in  
6 soil."

7 Q. And in the margin?

8 A. "Okay supports."

9 Q. Do you know what you meant  
10 by "okay supports," if they are  
11 supposed to be read together?

12 A. Yes. I had skimmed the  
13 report by Brown that we talked about  
14 earlier, the defendant's report, and  
15 basically concluded that there was  
16 nothing in there that changed my  
17 opinion.

18 MS. FLAX: I would like to  
19 check my notes, but other than the  
20 one pending question that I need  
21 Dr. Exner to look at --

22 MR. HARRIS: Do you need  
23 him to look through the second  
24 report?



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DEPOSITION OF JURGEN H. EXNER, Ph.D., 1/9/07

1 I'm going to be asking you some  
2 questions, and my partner, Richard  
3 Biedrzycki, may have some to follow  
4 up.

5 The first question that I  
6 have for you is, are all the opinions  
7 that you expect to give in this case  
8 expressed in the report that's been  
9 identified today?

10 A. Yes.

11 Q. And I want to ask you a  
12 question about one of the previous  
13 exhibits, Exner 6, which was an  
14 e-mail to Mr. Harris, if you have  
15 that.

16 On the first page,  
17 actually, the first sentence, it  
18 says, "Need to revise Ashland."  
19 Could you explain what you meant by  
20 that?

21 A. Yes, I see that. In my  
22 initial work on the Ashland waste I  
23 had done very little on waste  
24 resulting from dyes because there was



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DEPOSITION OF JURGEN H. EXNER, Ph.D., 1/9/07

1 or rigid?

2 A. Right.

3 Q. And in your experience with  
4 the fields of hazardous waste  
5 management and hazardous waste site  
6 investigation and remediation, have  
7 you been involved in a case or with a  
8 site where flexible or rigid  
9 electronic circuits were in some way  
10 involved?

11 A. No.

12 Q. Now, in Section 2 of your  
13 report, also on the first page, you  
14 will see in the very first paragraph  
15 under the heading No. 2, Statement  
16 and Basis of Opinions, you have a  
17 second sentence that describes your  
18 use of information and experience to  
19 estimate the approximate composition  
20 of waste streams.

21 And I want to focus your  
22 attention on the word "estimate" and  
23 on the word "approximate."

24 Is it the case that you



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DEPOSITION OF JURGEN H. EXNER, Ph.D., 1/9/07

1        were asked by plaintiffs' counsel in  
2        this matter to estimate the  
3        composition of waste streams?

4            A.     I was asked to tell them  
5        what kinds of wastes were likely to  
6        have been produced by specific  
7        operations at different companies.

8                    That's basically my writing  
9        to say that I estimated the  
10      composition that might be expected  
11      based on the information that's  
12      available in the absence of specific  
13      analytical work.

14            Q.     And the answer you just  
15      gave may cover this next question, so  
16      I apologize if I'm being redundant,  
17      but were you asked to provide  
18      opinions as to approximate  
19      compositions of waste streams?

20            A.     I don't think so. I was  
21      just asked to tell them what kinds of  
22      wastes would have been produced.

23            Q.     Okay. And the answer you  
24      gave one answer ago, was that your



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DEPOSITION OF JURGEN H. EXNER, Ph.D., 1/9/07

1 Company back in its prior form was  
2 National Rolling Mills. This was the  
3 NRM matter that you were dealing with  
4 in your report.

5 I want to begin by finding  
6 out what particularly you were  
7 employed to do as far as my client  
8 was concerned.

9 I'm looking at Page 1 of  
10 your report in Paragraph 2, and I  
11 will ask you if that includes the  
12 entire scope of why you were employed  
13 to write a report which included  
14 NRM?

15 A. To review documents that  
16 were provided and to make an  
17 assessment as to the types of wastes  
18 that would have been produced.

19 Q. When you were testifying to  
20 Mr. Cooley, you used the expression  
21 the kinds or composition of wastes.  
22 Does that pretty much summarize what  
23 you were employed to do for NRM?

24 A. Yes.



James DeCrescenzo Reporting, LLC

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DEPOSITION OF JURGEN H. EXNER, Ph.D., 1/9/07

1           Q.   Were you employed to do  
2 anything else for NRM?

3           A.   No. It was the same thing  
4 for all of these.

5           Q.   The reason I ask that, I  
6 noticed that in your report, and I  
7 think NRM is treated on Pages 7 and  
8, and in particular at the top of  
9 Page 8, that you get into the subject  
10 of volume as opposed to kind or  
11 composition.

12           I was wondering why you did  
13 that. Do you see where I'm referring  
14 to, the first incomplete paragraph on  
15 the top of Page 8, the last three  
16 lines there?

17           A.   When it was specifically  
18 mentioned by somebody, I would pick  
19 up volume.

20           Q.   Did you do that with  
21 respect to all of the factories that  
22 you reviewed or just NRM?

23           A.   I think when there was  
24 specific information, I did.



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1 CERTIFICATION  
2

3 I, JENNIFER L. BERMUDEZ, a  
4 Court Reporter in and for the Commonwealth  
5 of Pennsylvania, hereby certify that the  
6 foregoing is a true and accurate transcript  
7 of the deposition of said witness who was  
8 first duly sworn by me on the date and  
9 place hereinbefore set forth.

10 I FURTHER CERTIFY that I am  
11 neither attorney nor counsel for, nor related  
12 to or employed by, any of the parties to  
13 the action in which this deposition was  
14 taken, and further that I am not a relative  
15 or employee of any attorney or counsel  
16 employed in this action, nor am I  
17 financially interested in this case.

18  
19   
20

21 JENNIFER L. BERMUDEZ  
22 Court Reporter and Notary Public  
23  
24



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**EXHIBIT P**

CarpenterHgpH =

$$-\log [H^+]$$

$$N = \frac{M}{2}$$

is there  
a difference

Mink - metals are diluted ; acid is neutralized  
metals can be mobilized by other acids  
+ ammonia

Ashland - Short

CrO<sub>4</sub> - chromic acid  
↳ less mobile in acid ?

may not have localized → may get channelling

NO<sub>2</sub> Ph CH  $\downarrow$   
as complex  
agents

Pearce - Flexible + Etched ?

¶ " assumptions + misrepresentative

22 plated Ni - did not - Stollesteiner  
wave soldering - n " Ni in tank  
discharge 1972

23 Pearce, in 1983, -

1971 ¶ 3.4 no ref. — Bulk report  
1990

volume of waste - every 2 weeks

ignored discharges

or 66 mg/L in 1979 -

20.01 - 0.46 3 analyses in 72-76 found  
conc. + dil were being disposed of - recycle  
55 gal/me TCE

H<sub>2</sub>SO<sub>4</sub>; Sn, Pb - no ref.

Brown - Honey & Harmon

processes  
did not  
change (etched)

states what other conc. produced

~~processes TCE~~ 20 drums ind. waste (non-haz)  
Cr, Ni, TCE, Mn

agreement - Carpenter

Merit - AD of Pb, Zn, TCE in soil

EX-108  
EXHIBIT NO. 8

TB 19-07

## **EXHIBIT Q**

# ORIGINAL TRANSCRIPT

VOLUME I  
IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

AGERE SYSTEMS, INC., CYTEC  
INDUSTRIES, INC., FORD MOTOR  
COMPANY, SPS TECHNOLOGIES LLC  
and TI GROUP AUTOMOTIVE SYSTEMS  
LLC

Plaintiffs

v

CIVIL ACTION  
NO. 02-CV-3830 (LDD)

ADVANCED ENVIRONMENTAL  
TECHNOLOGY CORPORATION, ET AL.

Defendants

Oral deposition of JAY  
VANDEVEN, taken at the law offices of  
Ballard Spahr, Andrews & Ingersoll,  
LLP, 1735 Market Street, 42nd Floor,  
Philadelphia, Pennsylvania, on  
Tuesday, February 13, 2007, at  
9:59 a.m. before Jennifer Bermudez, a  
Registered Professional Reporter, and  
Notary Public, pursuant to notice.



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DEPOSITION OF JAY VANDEVEN, VOLUME I, 2/13/07

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## DEPOSITION OF JAY VANDEVEN, VOLUME I, 2/13/07

## 1 APPEARANCES CONTINUED:

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 16 Attorney for Flexible Circuits

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 610-279-3370  
 21 Attorney for NRM Investment Co.

## 22 EXAMINATION INDEX

23 JAY VANDEVEN  
 24 BY MS. FLAX  
 BY MR. PETTIT

6  
 129



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DEPOSITION OF JAY VANDEVEN, VOLUME I, 2/13/07

1           A.       Okay.

2           Q.       You have had an opportunity  
3       to read Page 53, line 20 through Page  
4       55, line 14 of the deposition of  
5       Mr. Curran. Is that correct?

6           A.       Yes.

7           Q.       I am going to represent to  
8       you that Mr. Curran was an employee  
9       of Handy & Harman Tube Company, just  
10      so that you know that when I ask you  
11      about Handy & Harman's industrial  
12      wastes that's why I'm asking you,  
13      because you have now read testimony  
14      from Mr. Curran. Okay?

15          A.       Okay.

16          Q.       Is there anything in  
17       Mr. Curran's testimony that suggests  
18       that the industrial waste solution  
19       that he describes contains any  
20       hazardous material?

21           MR. HARRIS: Hold on a  
22       second. He's not being offered as an  
23       expert -- he's not here to give an  
24       opinion as to what was in Handy &



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DEPOSITION OF JAY VANDEVEN, VOLUME I, 2/13/07

1           Harman's waste, so that's not a  
2           proper question.

3           MS. FLAX: Are you  
4           directing him not to answer?

5           MR. HARRIS: I might. I'm  
6           trying to figure out where you are  
7           going with this. He is not going to  
8           offer an opinion in this case as to  
9           what was in Handy & Harman's waste.  
10          That is not in his report. He's not  
11          here to form new opinions.

12          If you are about to ask him  
13          to give an opinion as to what was in  
14          Handy & Harman's waste, then that's  
15          an improper question.

16          MR. PETTIT: Glenn, can I  
17          just say something, because --

18          MR. HARRIS: Yes. I'm not  
19          trying to be --

20          MR. PETTIT: You ought to  
21          clarify this, because as Melissa  
22          pointed out in her questioning, in  
23          rebuttal opinion he adopts  
24          Dr. Exner's descriptions of the



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DEPOSITION OF JAY VANDEVEN, VOLUME I, 2/13/07

1 record.)

2 MS. FLAX: I am not asking,  
3 Glenn, for him to give an opinion.

4 I was asking whether  
5 reviewing Mr. Curran's testimony  
6 regarding the industrial waste  
7 solution that was generated at the  
8 Handy & Harman facility whether based  
9 upon that description he considered  
10 that waste to be a hazardous waste.

11 MR. HARRIS: I don't think  
12 he had an opinion as to that waste.  
13 That's my point.

14 MS. FLAX: And he is not  
15 going to offer an opinion as to --

16 MR. HARRIS: Other than  
17 what he says about the TCE sludge.

18 MS. FLAX: Other than the  
19 degreaser sludge?

20 MR. HARRIS: Sure. He is  
21 not going to take the stand and say  
22 it is my opinion that X, Y and Z is  
23 in Handy & Harman's industrial waste  
24 sludge.



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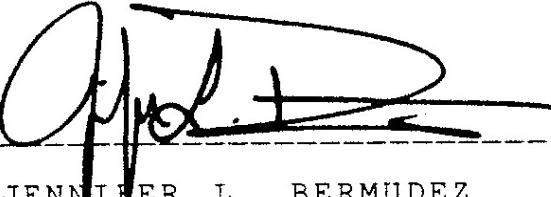
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15 or employee of any attorney or counsel  
16 employed in this action, nor am I  
17 financially interested in this case.

18  
19   
20 -----  
21 JENNIFER L. BERMUDEZ

22 Court Reporter and Notary Public  
23  
24



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